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## 5 | Counsel for Defendant KIM HIOE

\*E-FILED - 1/30/09\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR-04-20071-RMW  
11 Plaintiff, )  
12 vs. )  
13 KIM HIOE, )  
14 Defendant. )  
15 )

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the status conference date in the above-captioned matter, presently scheduled for Monday, February 2, 2009 at 9:00 a.m., be continued to Monday, February 9, 2009 at 9:00 a.m.

20 This continuance is requested due to the unavailability of counsel for Defendant.

21 The parties further agree and stipulate that time should be excluded from and including  
22 February 2, 2009 through and including February 9, 2009, to provide counsel reasonable time to  
23 prepare and for continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A)  
24 and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested

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**STIPULATION TO CONTINUE STATUS  
CONFERENCE; [ ] ORDER  
No. CR-04-20071-RMW**

1 exclusion of time will serve the interest of justice and outweigh the interest of the public and  
2 defendant in a speedy trial.

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4 Dated: January 30, 2009

/s/  
NICHOLAS P. HUMY  
Assistant Federal Public Defender

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7 Dated: January 30, 2009

/s/  
JOE FAZIOLI  
Assistant United States Attorney

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**ORDER**

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12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference  
13 date presently set for Monday, February 2, 2009 will be continued to Monday, February 9, 2009  
14 at 9:00 a.m.

15 IT IS FURTHER ORDERED, that time should be excluded from and including February  
16 2, 2009 through and including February 9, 2009, to provide counsel reasonable time to prepare  
17 and for continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and  
18 (B)(iv).

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IT IS SO ORDERED.

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Dated: **1/30/09**

*Ronald M. Whyte*  
HONORABLE RONALD M. WHYTE  
United States District Judge

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STIPULATION TO CONTINUE STATUS  
CONFERENCE;  ORDER  
No. CR-04-20071-RMW